

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 1148 of 2015

1. Akhtar Hussain, S/o. Mohammad, Aged about – 30 years, R/o. Aman Road, Farid Nagar, P.S. - Supela, Bhilai, District – Durg (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : District Magistrate– Durg, District – Durg (C.G.)

---- Respondent

For Applicant	: Mr. Rakesh Pandey, Advocate
For Respondent/State	: Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/11/2015

1. Apprehending arrest in connection with Crime No.13/2015 registered at Police Station- Mahila Thana, Durg, District - Durg, for offence punishable under Section 498(A) of Indian Penal Code read with Section 4 of Dowry Prohibition Act, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the complainant, who was married to the applicant on 21.03.2013 thereafter, she was subjected to cruelty for demand of dowry by mother-in-law, sister-in-law and by the applicant and ultimately demand of car was being made. Consequently, a report was made by the wife before the police and thereby the offence is committed.
3. Learned counsel for the applicant would submit that general allegation has been made against the applicant which do not amount to cruelty. He would further submit that false report has been made to misuse the provisions of Section 498A of I.P.C. He would further submit that sister-in-law and mother-in-law have been

enlarged on regular bail by the Trial Court and similar allegation is made against this applicant, therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the bail.
5. I have gone through the report and the statement of the complainant. Having regard to the fact that joint allegations have been made against the mother-in-law, husband and sister-in-law. Considering the fact that on similar allegation, the Trial Court has already enlarged the mother-in-law and sister-in-law on regular bail, this Court is inclined to extend the benefit of anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram